

**USDC-SDNY
DOCUMENT
ELECTRONICALLY
FILED
DOC#:
DATE FILED: 02/15/2022**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT MCBRIDE,

Plaintiff,

v.

C&C APARTMENT MANAGEMENT LLC;
LUIS TORRESS; GEORGE BRENTON; IVO
KELLO; SEPTIMUS BAILEY,

Defendants.

No. 21-CV-2989 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On April 7, 2021, *pro se* Plaintiff Robert McBride filed a Title VII employment discrimination complaint, naming five Defendants: C&C Apartment Management LLC (“C&C”), Luis Torress, George Brenton, Ivo Kello, and Septimus Bailey. Because Plaintiff is proceeding *in forma pauperis*, the Court ordered service through the United States Marshals Service. The Marshals successfully served four of the five Defendants—C&C, Kello, Brenton, and Bailey. Dkts. 21, 22, 32, & 33. Attempts to serve Torress proved unsuccessful. Counsel has appeared on behalf of C&C and Kello; however, Brenton and Bailey have not appeared or answered the complaint. On February 11, 2022, Plaintiff filed an amended complaint. The amended complaint names the five Defendants who were named in Plaintiff’s original complaint as well as a new Defendant, Wilson Esquilin. Service of the amended complaint shall be accomplished as follows:

For the four Defendants that were served with the original complaint, Plaintiff may serve the amended complaint on them pursuant to Federal Rule of Civil Procedure 5.

Because C&C and Kello are represented by counsel who have filed notices of appearance on ECF, Plaintiff’s electronic filing of the amended complaint satisfies Rule 5’s service

requirement for these Defendants. *See* Fed. R. Civ. P. 5(b)(1). C&C and Kello shall move, answer, or otherwise respond to the amended complaint by March 8, 2022.

Because Brenton and Bailey are not represented by counsel, Plaintiff must serve the amended complaint on them directly; he may do so by mailing the complaint to Brenton and Bailey at their last known address by first-class mail.

For the two Defendants who were not served with the original complaint—Torress and Esquilin—Plaintiff must serve them with the amended complaint pursuant to Federal Rule of Civil Procedure 4. Given Plaintiff's *in forma pauperis* status, the Court will allow service on Torress and Esquilin to be effectuated through the Marshals Service. Plaintiff has not, however, provided a service address for Wilson Esquilin. Plaintiff shall provide such an address by February 28, 2022. After Plaintiff has provided that address, the Court will issue an order of service for those two Defendants.

The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: February 15, 2022
New York, New York



Ronnie Abrams
United States District Judge